

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

12CV1039
Daniels

PLAINTIFFS

Bernard L. Madoff Investment Securities LLC

DEFENDANTS

J.X. Reynolds & Co. Deferred Profit Sharing Plan, Jacqueline Green Rollover Account and Wayne D. Green Rollover Account, Claimants

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

David J. Sheehan; Baker & Hosteller LLP, 45 Rockefeller Plaza, New York, NY 10111

ATTORNEYS (IF KNOWN)

Helen Davis Chaitman, Becker & Poliakoff LLP, 45 Broadway, 8th Floor, New York, NY 10006

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Motion to withdraw the bankruptcy reference pursuant to 28 U.S.C. § 157(d)

Has this or a similar case been previously filed in SDNY at any time? No? Yes? Judge Previously AssignedIf yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT				
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 1400 STATE REAPPORTIONMENT
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 385 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 1410 ANTITRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 1430 BANKS & BANKING
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		21 USC 881 LIQUOR LAWS	[] 1450 COMMERCE
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY	[] 630 RR & TRUCK	[] 1460 DEPORTATION
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 640 AIRLINE REGS	[] 1470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 162 RECOVERY OF DEFALTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 650 OCCUPATIONAL SAFETY/HEALTH	[] 1480 CONSUMER CREDIT
[] 163 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL INJURY	[] 660 OTHER	[] 1490 CABLE/SATELLITE TV
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY		[] 1810 SELECTIVE SERVICE
[] 190 OTHER CONTRACT				[] 1850 SECURITIES/COMMODITIES/EXCHANGE
[] 195 CONTRACT PRODUCT LIABILITY				[] 1875 CUSTOMER CHALLENGE
[] 198 FRANCHISE				12 USC 3410
	ACTIONS UNDER STATUTES			[] 1880 OTHER STATUTORY ACTIONS
REAL PROPERTY				[] 1891 AGRICULTURAL ACTS
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 610 MOTIONS TO VACATE SENTENCE	[] 740 RAILWAY LABOR ACT	[] 1892 ECONOMIC STABILIZATION ACT
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	20 USC 2255	[] 790 OTHER LABOR	[] 1893 ENVIRONMENTAL MATTERS
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ACCOMMODATIONS	[] 630 HABEAS CORPUS	[] 791 LITIGATION	[] 1894 ENERGY ALLOCATION ACT
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 635 DEATH PENALTY	[] 791 EMPL RET INC SECURITY ACT	[] 1895 FREEDOM OF INFORMATION ACT
[] 245 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 1896 APPEAL OF FEE DETERMINATION
[] 290 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 871 IRS-THIRD PARTY	UNDER EQUAL ACCESS TO JUSTICE
	[] 440 OTHER CIVIL RIGHTS	[] 555 PRISON CONDITION	26 USC 7609	[] 1950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____

JUDGE Jed S. Rakoff

DOCKET NUMBER 11-04293

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

1 Original Proceeding 2a. Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment
 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY (U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 11 <input checked="" type="checkbox"/> 11 DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 13 <input checked="" type="checkbox"/> 13 DEF	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15 DEF
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 12 <input checked="" type="checkbox"/> 12	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 14 <input checked="" type="checkbox"/> 14	FOREIGN NATION	<input type="checkbox"/> 16 <input checked="" type="checkbox"/> 16

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
c/o Baker & Hosteller LLP
45 Rockefeller Plaza
New York, New York 10111

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

J.X. Reynolds & Co. Deferred Profit Sharing Plan, Jacqueline Green Rollover Account and Wayne D. Green Rollover Account
c/o Becker & Poliakoff LLP
45 Broadway, 8th Floor
New York, New York 10006

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 1/17/2012 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # *Helen Davis Chastain /b*

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. 12 Yr. 1978)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Civil Cover Sheet Addendum: Explanation of Relatedness

Movants submit that this case is related to an action pending in this Court before Judge Rakoff and arising out of the liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act ("SIPA"). The action is *Picard v. Blumenthal*, No. 11-04293 (JSR) in which Judge Rakoff has withdrawn the bankruptcy reference on the inter-relationship between the Internal Revenue Code provisions protecting IRA accounts and the SIPA. In this case, the same governmental policies are at issue but the conflict is between SIPA on the one hand and the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code on the other.